

REMARKS

Claims 1, 6 and 11 have been amended as shown above. Claim 5 has been cancelled and claim 7 has been withdrawn. Accordingly, claims 1-4, 6 and 8-15 are all the claims pending in the application. Applicant submits that the above claim amendments place each claim in a condition for allowance.

For the reasons set forth in the previous Amendments and Responses, Applicant submits that claims 1-4, 6 and 8-15 are allowable over the cited art. In the Advisory Action, the Examiner asserts that Figure 16 of Sanyo can be read to teach each limitation of the rejected claims because of the circular arc-shaped portion which allegedly corresponds to a loaded disc.

Applicant acknowledges that the Examiner can rely on both the express and inherent teachings of the prior art. Sanyo clearly does not contain an express teaching of the location a completely loaded recording medium. Thus, the Examiner must rely on the inherent teachings of Sanyo to teach the location of a completely loaded recording medium. "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999); MPEP 2112. The Examiner cannot show that a completely loaded recording medium *must* be present in Sanyo as the Examiner asserts. Thus, the Examiner's rejection must fail.

Further, the prior art fails to teach a recording medium playback device wherein an outer circumferential edge on said carriage chassis side of said completely loaded recording medium overlaps said pickup when said pickup is in a standby position. Thus, Applicant asserts that the claims are allowable for this independent reason.

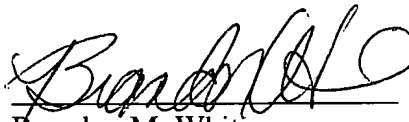
Support for the amendments to claims 1, 6 and 11 can be found on page 38, line 17 to page 39 line 16 of the specification.

A Petition for Extension of Time extending the time period to reply attached.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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